

BOARD OF MEDICAL LICENSURE AND DISCIPLINE

No. C01-005

In the Matter of James P. O'Hair, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.2 of the General Laws of the State of Rhode Island, 1956, as amended, notifications were filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") relating to actions taken by the State of New York in which James P. O'Hair, M.D., Respondent, was charged with violations of sections of the New York Statutes.

The following constitutes the Findings of Fact and Conclusions of Law as set forth in two Consent Orders entered into with the New York State Board for Professional Medical Conduct dated September 22, 2000 and September 24, 2003.

FINDINGS OF FACT

A. The State of New York Department of Health (the "Department") investigated various actions by James O'Hair, M.D. (the "Respondent") relating to alleged violations of the New York Statutes by failing to keep acceptable medical records on numerous patients. The Respondent agreed to the imposition by the State of New York of the following penalty (BPMC No 00-265): (1) A Censure and Reprimand; (2) A permanent limitation on my license prohibiting me from prescribing medications for myself, any friend, or any family member.

B. The Respondent was determined to have failed to keep acceptable medical records while working in the emergency department of a New York hospital on numerous occasions (BPMC No. 03-250). Following this determination, the Respondent Surrendered his license to practice medicine in New York.

C. The provisions of "Consent Agreements and Order(s) BPMC No-00-265 and BPMC No. 03-250" of the State of New York, Department of Health, State Board for Professional Medical Conduct are incorporated hereby by reference (and attached hereto).

D. The Board of Medical Licensure and Discipline alleges that the Respondent has violated Rhode Island General Laws 5-37-5.1(21) for acts in the State of New York that are grounds for discipline in Rhode Island R.I.G.L. 5-37-5.1(19).

E. The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. MD8441.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee I of the Board and is subject to the final approval of the Board. This Consent Order is not binding on the Respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

a. The right to appear personally or by counsel or both before the Board;

- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

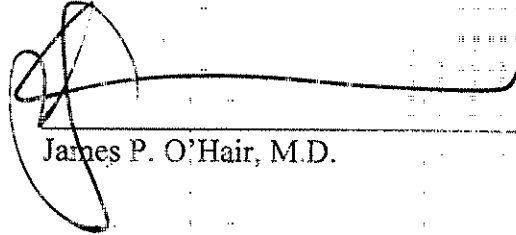
(6) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

(7) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(8) The Respondent accepts the Board's finding of unprofessional conduct, and the Board imposes the same penalty which was imposed by the New York State Board for Professional Medical Conduct as follows: (1) A


censure and reprimand and (2) a permanent limitation on Respondent's
license prohibiting him from prescribing medications for himself, any
friend or any family member.

Signed this 5TH day of MARCH, 2003.



James P. O'Hair, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on
January 8, 2004.


Patricia Nolan, MD, MPH
Director of Health
Chairperson
Board of Medical Licensure and Discipline